

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM SHORT,

Plaintiff,

Case No. 09-12323

v.

Honorable Patrick J. Duggan

SHERIFF DAN HINES, SGT. WALKER,
LT. CARMONEY, OFFICER WICKHAM,
OFFICER BRITTIN, OFFICER WELTER,
OFFICER KELLENBERGER, RHONDA
SCHULTZ, NANCY YIRKU, JACKIE
COX, MICHAEL BURGESS, CARRIE
DASH, COORDINATED CARE PLLC, and
JOHN DOE,

Defendants.

OPINION AND ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on July 15, 2011.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

On June 16, 2009, William Short ("Plaintiff"), a state prisoner currently incarcerated at the Carson City Correctional Facility, in Carson City, Michigan, filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. The Court has referred this action to Magistrate Judge Mona K. Majzoub for all pretrial proceedings.

On May 27, 2011, Magistrate Judge Majzoub filed a Report and Recommendation ("R&R"), recommending that this Court dismiss Defendant Welter from this suit pursuant

to Federal Rule of Civil Procedure 4(m) because Plaintiff has failed to serve Welter within 120 days of filing the Complaint. Magistrate Judge Majzoub also noted that Plaintiff was granted an extension of this time and still had not served Welter. At the conclusion of the R&R, Magistrate Judge Majzoub advises the parties that they may object and seek review of the R&R within fourteen days of service upon them. R&R 2. She further advises that “[f]ailure to file specific objections constitutes a waiver of any further right of appeal.” *Id.* (citing *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466 (1985); *Howard v. Sec’y of Health & Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981)). No objections to the R&R have been filed.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Majzoub.

Accordingly,

IT IS ORDERED that Defendant Welter is **DISMISSED** from this action without prejudice pursuant to Federal Rule of Civil Procedure 4(m).

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
Attorneys of Record

William Short, #195405
Carson City Correctional Facility
10274 Boyer Road
Carson City, MI 48811

Magistrate Judge Mona K. Majzoub